

09/856766

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of: Harry S. NICK, *et al.*

Serial No.: 09/856,766

Filed: May 24, 2001

For: MANGANESE SUPEROXIDE DISMUTASE
REGULATORY ELEMENTS AND USES
THEREFORE

Attorney Docket No.: UFJ-002US

Group Art Unit:

Examiner:

Commissioner for Patents
BOX PCT
Washington, D.C. 20231Certificate of Express Mailing

I hereby certify that the form, identified herein, is being deposited by me with the United States Postal Service "Express Mail Post Office to Addressee" service, Mailing Label No. **EL 916 825 362 US**, under 37 CFR 1.10, on the date indicated below and is addressed to the Assistant Commissioner for Patents, Box PCT, Washington, D.C. 20231

August 28, 2001
Date

By: Nelson Barros
Nelson F. Barros

**RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS UNDER
35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE**

Dear Sir or Madam:

Responsive to the *Notification of Missing Requirements Under 35 U.S.C. 371* dated June 28, 2001, in connection with the above-referenced patent application, an executed *Declaration, Petition and Power of Attorney* and *Transmittal for Diskette Containing Sequence Listing* are submitted herewith.

We further enclose a check in the amount of \$319.00 to cover the surcharge fee set forth in 37 CFR 1.492(e) and additional claims fee, based on a small entity status, and a copy of the Notification of Missing Requirements.

09/17/2001 MCLAYBRD 00000001 09856766

01-FC-198

-319.00 OP

Adjustment date: 02/25/2002 UEDUVIJE

09/17/2001 MCLAYBRD 00000001 09856766

01-FC-198

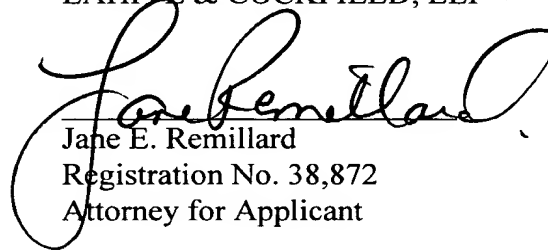
-319.00 OP

Re: Harry S. NICK, *et al*
USSN 09/856,766

Please charge any additional fees or credit any overpayments associated with this correspondence to Deposit Account No. 12-0080. A duplicate copy of this paper is enclosed. If there are any problems, please call the undersigned at the telephone number indicated below.

Respectfully submitted,

LAHIVE & COCKFIELD, LLP


Jane E. Remillard
Registration No. 38,872
Attorney for Applicant

28 State Street
Boston, MA 02109
(617) 227-7400

Date: August 28, 2001

02/25/2002 UEDUVIJE 00000124 09856766

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|-----------|-----------|
| 01 FC:967 | 9.00 OP |
| 02 FC:965 | 40.00 OP |
| 03 FC:969 | 135.00 OP |

Repln. Ref: 02/25/2002 UEDUVIJE 0011034800
DAH:120080 Name/Number:09856766
FC: 704 \$135.00 CR



UNITED STATES PATENT AND TRADEMARK OFFICE

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| U.S. APPLICATION NO. | FIRST NAMED APPLICANT | ATTY. DOCKET NO. |
| 09/856766 | NICK H | UFJ-002US |
| INTERNATIONAL APPLICATION NO. | | |
| PCT/US99/28331 | | |
| U.S. FILING DATE | | PRIORITY DATE |
| 30 NOV 99 | | 30 NOV 98 |

JANE E REMILLARD
LAHIVE & COCKFIELD
28 STATE STREET
BOSTON, MA 02109

DOCKETED

Aug 28, 2001 - Missing Reg. & Surcharge
Jan 28, 2002 - ESP W/EXT

DATE MAILED:

28 JUN 2001

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

1. The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as ☐ a Designated Office (37 CFR 1.494) ☒ an Elected Office (37 CFR 1.495):
- ☒ U.S. Basic National Fee.
 - ☒ Copy of the international application.
 - ☐ Oath or Declaration of inventors(s).
 - ☐ Copy of Article 19 amendments.
 - ☐ Priority Document.
 - ☒ The International Preliminary Examination Report in English and its Annexes, if any.
 - ☐ Translation of Annexes to the International Preliminary Examination Report into English.
 - ☐ Indication of Small Entity Status.
 - ☐ Translation of the international application into English.
 - ☐ Translation of Article 19 amendments into English.
 - ☐ Other:
2. ☐ Applicant has requested early processing under 35 U.S.C. 371(f) but has not filed the following indicated items and/or the indicated items in paragraph 3 below. The Basic National Fee and the copy of the international application must be filed prior to 20 or 30 months from the priority date to avoid abandonment.
- ☐ U.S. Basic National Fee.
 - ☐ Copy of the international application.
3. The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:
- ☐ a. Translation of the application into English. A processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date.
 - ☐ The current translation is defective for the reasons indicated on the attached Notice of Defective Translation.
 - ☐ b. Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(f)).
 - ☐ c. Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), properly identifying the application (preferably by the International application number and international filing date). A surcharge will be required if submitted later than the appropriate 20 or 30 months from the priority date.
 - ☒ The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917.
 - ☐ d. Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(e)).
4. Additional claim fees of \$ 319.00 as a ☐ large entity ☒ small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due (37 CFR 1.492(g)). See attached PTO-875.
5. ☐ Applicant has not submitted the required sequence listing pursuant to 37 CFR 1.821-1.825. See attached PCT/DO/EO/920.

ALL OF THE ITEMS SET FORTH IN 3(a)-3(d), 4 AND 5 ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 22 OR 32 MONTHS (where 37 CFR 1.495 applies) FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

6. If box 3a or 3c is checked, a translation of the Annexes **MUST** be submitted no later than the time period set above or the Annexes will be cancelled. A processing fee will be required if submitted later than 20 or 30 months from the priority date.
7. ☐ The Article 19 amendments are cancelled since a translation was not provided by the appropriate 20 (37 CFR 1.494(d)) or 30 (37 CFR 1.495(d)) months from the priority date.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

A copy of this notice MUST be returned with this response.

- Enclosed: ☒ PCT/DO/EO/917 ☐ Notice of Defective Translation
☐ PTO-875 ☒ PCT/DO/EO/920

FORM PCT/DO/EO/905 (March 2001)

Winston M Alvarado

Telephone: 703-305-6421

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| RECEIVED LAHIVE & COCKFIELD DOCKET DEPT. |
| JUL 02 2001 |
| RETRIEVED: 7/2/01 |
| FORWARDED: 7/2/01 |

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